

Practitioner's Docket No. MPI03-025P1RNM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Xu, Haiyan, et al.

Application No.: 10/764,649

Group No.: 1646

Filed: January 26, 2004

Examiner: Howard, Zachary C.

For: METHODS AND COMPOSITIONS FOR USE OF INFLAMMATORY PROTEINS
IN THE DIAGNOSIS AND TREATMENT OF METABOLIC DISORDERS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed:

☒ Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

OR

☐ *After* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

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Date: February 17, 2005

Sean Hunziker
(type or print name of person certifying)

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- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or
- (3) an action that otherwise closes prosecution in the application

whichever occurs first.

[] Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

[] Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

[] No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

OR

[] The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

[] In accordance with the requirements of 37 C.F.R. Section 1.97(d):

A. [] Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

B. [] Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

C. [] No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

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FEE PAYMENT

3. ☐ The fee due is set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

☒ Applicant believes no fee is due in connection with this submission.

Fee due \$0.00

METHOD OF PAYMENT OF FEE

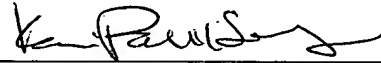
4. ☐ Attached is a check in the amount of \$ _____ .
☐ Charge Account No. 501668 in the amount of \$0.00 .
☒ A duplicate of this request is attached.

If any additional fees are due, please charge Account 501668.

February 17, 2005

MILLENNIUM PHARMACEUTICALS, INC.

By



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INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ Form PTO/SB/08B (substitute for Form PTO-1449) (3 pages)
3. ☒ Copies of Listed Information Items Accompanying This Statement (22 references)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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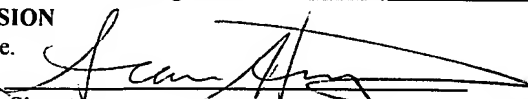
37 C.F.R. SECTION 1.10*

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Signature

Date: February 17, 2005

Sean Hunziker

(type or print name of person certifying)

Preliminary Statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

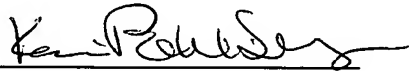
The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in Form PTO/SB/08B (substitute for Form PTO-1449) accompany this information statement.

February 17, 2005

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Substitute for form 1449B/PTO		FEB 22 2005		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/764,649
				Filing Date	January 26, 2004
				First Named Inventor	Xu, Haiyan, et al.
				Group Art Unit	1646
				Examiner Name	Howard, Zachary C.
Sheet	1	of	3	Attorney Docket Number	MPI03-025P1RNM

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C1	Nishina, P.M. <i>et al.</i> (1994), <i>Metab.</i> 43:554-558	
	C2	Grundy, S. M. & Barnett, J.P. (1990), <i>Dis. Mon.</i> 36:641-731	
	C3	Kahn <i>et al.</i> , (1996) <i>Annu. Rev. Med.</i> 47:509-531	
	C4	Friedman, J. M. <i>et al.</i> (1991) <i>Mamm. Gen.</i> 1:130-144	
	C5	Friedman, J. M. and Liebel, R. L. (1992) <i>Cell</i> 69:217-220	
	C6	Bray, G. A. (1989) <i>Amer. J. Clin. Nutr.</i> 5:891-902	
	C7	Chen, H. <i>et al.</i> (1996) <i>Cell</i> 84:491-5	
	C8	Chua SC Jr <i>et al.</i> (1996) <i>Science</i> 271:994-6	
	C9	Lee, G.H. <i>et al</i> (1996) <i>Nature</i> 379:632-5	
	C10	MacDougald, O.A. <i>et al</i> (1995) <i>Proc. Natl. Acad. Sci. USA</i> 92:9034-7	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation design number. ²Applicant is to place a check mark here if English language Translation is attached.

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Sheet	2	of	3	Attorney Docket Number	MPI03-025P1RN

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Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C11	Stubdal H. <i>et al.</i> (2000) <i>Mol. Cell Biol.</i> 20(3):878-82	
	C12	Abadie J.M. <i>et al.</i> <i>Lipids</i> (2000) 35(6):613-20	
	C13	Shaughnessy S. <i>et al.</i> (2000) <i>Diabetes</i> 49(6):904-11	
	C14	Loskutoff D.J. <i>et al.</i> (2000) <i>Ann. N. Y. Acad. Sci.</i> 902:272-81	
	C15	Alleva <i>et al.</i> (2001) <i>J. Clin. Invest.</i> 107:173-180	
	C16	Arakawa <i>et al.</i> (2001) <i>Br. J. Pharmacol.</i> 132:578-586	
	C17	Nakamura <i>et al.</i> (2001) <i>Diabetes Res. Clin. Pract.</i> 51:9-20	
	C18	O'Harte <i>et al.</i> (2001) <i>Regul. Pept.</i> 96:95-104	
	C19	Yamanouchi <i>et al.</i> (2000) <i>Exp. Anim.</i> 49:259-266	

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PTO/SB/08B (10-96)

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<div style="text-align: center;">Substitute for form 1449B/PTO</div> <div style="text-align: center; font-size: 1.2em; font-weight: bold; margin-top: 10px;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div style="text-align: center; font-size: 0.8em; margin-top: 10px;">(use as many sheets as necessary)</div>				<div style="text-align: center; font-weight: bold; margin-bottom: 5px;">Complete if Known</div> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; font-size: 0.8em;">Application Number</td><td style="width: 50%;">10/764,649</td></tr><tr><td style="font-size: 0.8em;">Filing Date</td><td>January 26, 2004</td></tr><tr><td style="font-size: 0.8em;">First Named Inventor</td><td>Xu, Haiyan, et al.</td></tr><tr><td style="font-size: 0.8em;">Group Art Unit</td><td>1646</td></tr><tr><td style="font-size: 0.8em;">Examiner Name</td><td>Howard, Zachary C.</td></tr><tr><td style="font-size: 0.8em;">Attorney Docket Number</td><td>MPI03-025P1RN</td></tr></table>		Application Number	10/764,649	Filing Date	January 26, 2004	First Named Inventor	Xu, Haiyan, et al.	Group Art Unit	1646	Examiner Name	Howard, Zachary C.	Attorney Docket Number	MPI03-025P1RN
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Sheet	3	of	3														

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Examiner Initials*	Cite No. ¹	Include the name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	C20	Hoenig <i>et al.</i> (2000) <i>Am. J. Pathol.</i> 157:2143-2150	
	C21	Reed <i>et al.</i> (2000) <i>Metabolism</i> 49:1390-1394	
	C22	Clark <i>et al.</i> (2000) <i>J. Pharmacol. Toxicol. Methods</i> 43:1-10	

Examiner Signature		Date Considered	
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